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**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF ARIZONA**

Christopher Lundgren, a single man, )

Plaintiff, )

v. )

United States of America; David )

Compton; M.D., Sundeep Punia, M.D., )

Defendants. )

No.

**PETITION - FEDERAL TORT  
CLAIMS ACT**

(Medical Malpractice)

Plaintiff Christopher Lundgren alleges the following:

**COUNT I**

**I.**

This Court has jurisdiction pursuant to 28 U.S.C. § 1346(b). On November 27, 2020, Plaintiff Christopher Lundgren timely filed a Form 95 with the Department of

1 Veterans Affairs. The agency failed to make a final disposition of the claim within six  
2 months after its filing and the claim is therefore deemed to have been denied.

3  
4 **II.**

5 Plaintiff Christopher Lundgren is a resident of Pima County, Arizona and was so  
6 at all relevant times.

7 **III.**

8 Defendant United States of America provided health care to Plaintiff Christopher  
9 Lundgren at the Southern Arizona Veterans Administration Health Care Services hospital  
10 through its agents and employees, including but not limited to David Compton, M.D. and  
11 Sundeep Punia, M.D. All acts giving rise to this cause of action occurred in Pima  
12 County, Arizona. Venue is appropriate in this district pursuant to 28 U.S.C. Section  
13 1402(b).  
14  
15

16 **IV.**

17 On August 5, 2019, Plaintiff presented to the Southern Arizona Veterans  
18 Administration Health Care Services hospital with complaints of lower back pain.  
19 Plaintiff was discharged the same day.  
20

21 **V.**

22 On August 6, 2019, Plaintiff presented to the Southern Arizona Veterans  
23 Administration Health Care Services hospital again with complaints of lower back pain.  
24 Plaintiff was discharged the same day by Sundeep Punia, M.D.  
25

26 **VI.**

1 Dr. Punia noted in the chart he reviewed Plaintiff's labs even though no labs were  
2 taken.

3  
4 **VI.**

5 On August 8, 2019, Plaintiff presented again to the Southern Arizona Veterans  
6 Administration Health Care Services hospital with complaints of lower back pain  
7 radiating in to the neck. Plaintiff was discharged the same day.

8  
9 **VII.**

10 On August 9, 2019, Plaintiff arrived via ambulance to Tucson Medical Center.  
11 There Plaintiff was treated emergently for his neurological symptoms, resulting in  
12 extensive neurosurgery.

13  
14 **VIII.**

15 The Southern Arizona Veterans Administration Health Care Services hospital,  
16 through its agents and employees, including but not limited to David Compton, M.D. and  
17 Sundeep Punia, M.D., failed to exercise that degree of care, skill, and learning that would  
18 be expected under similar circumstances of a reasonably prudent emergency physician  
19 within this state in negligently failing to timely monitor and treat Plaintiff and prematurely  
20 discharging Plaintiff from the Emergency Department.

21  
22 **IX.**

23 The negligence of the Southern Arizona Veterans Administration Health Care  
24 Services hospital, its agents and employees, including but not limited to David Compton,  
25 M.D. and Sundeep Punia, M.D., resulted in a significant delay in Plaintiff's care and  
26  
27  
28

1 treatment and more likely than not resulted in permanent injury to Plaintiff and/or the loss  
2 of a chance at an improved result.

3  
4 **X.**

5 As a further direct result of the negligence of Defendant United States, Plaintiff  
6 suffered permanent injury, loss in mobility, loss of income, loss of earning capacity, lost  
7 wages, pain and suffering (past and future), past medical costs, and loss of enjoyment of  
8 life, and will incur future medical costs.

9  
10 WHEREFORE, Plaintiff prays for compensatory damages that are fair and just,  
11 for costs incurred, and for such other relief as the Court deems just.

12 RESPECTFULLY SUBMITTED this 24<sup>th</sup> day of January, 2022.

13  
14 **AMY HERNANDEZ LAW, P.C.**

15 /s/ Amy Hernandez  
16 Amy Hernandez  
17 *Attorney for Plaintiff*

18 **KARP & WEISS, P.C.**

19  
20 /s/ Stephen M. Weiss  
21 Stephen M. Weiss  
22 *Attorney for Plaintiff*  
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